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Security for industrial plants

Washington

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Security

FOR

INDUSTRIAL PLANTS

UNITED STATES GOVERNMENT PRINTING OFFICE
WASHINGTON : 1942

FOREWORD

This pamphlet has been prepared as a guide to aid the management of industrial plants in the performance of their accepted responsibility for building and maintaining a security program which will insure continued production of materials essential to the Navy. Certain plants executing Navy contracts have already been advised by letter as to specific security measures recommended for their facilities and this pamphlet is intended primarily for those plants which have not had the benefit of specific advice concerning the security of their properties.

GENERAL INFORMATION CONCERNING THE NAVY

Contracts.

The contractor should carefully review and study his contract to familiarize himself with its classification and the agreements contained therein.

Classifications.

A naval contract is either "classified" or "nonclassified"; if classified it may be either restricted, confidential, or secret. These categories are used within the Naval Service to distinguish between matter which requires special safeguards and matter whose safeguarding can well be entrusted to the discretion of the various custodians and which is normally referred to as nonclassified matter.

Agreement clauses.

A summary of agreement clauses found in naval contracts has been affixed as appendix A.

Extracts of sabotage and espionage laws.

Extracts of sabotage and espionage laws have been affixed as appendix B.

Naval districts.

For purposes of military organization the Navy has divided the United States into various naval districts, with headquarters located in Boston, New York, Philadelphia, Norfolk, Charleston, Key West, New Orleans, Great Lakes, Seattle, San Francisco, and San Diego. Each naval district has, under the district commandant, an organization charged with the responsibility of inspecting commercial plants of importance to naval procurement and advising the management on the security measures necessary to insure the uninterrupted production of naval material.

Naval material inspection districts.

For purposes of material inspection and tests, the United States is divided into naval material inspection districts which are based upon a concentration of basic industries and transportation facilities. These districts are: the Atlanta district, the Bethlehem district, the Boston district, the Chicago district, the Cincinnati district, the Cleveland district, the Detroit district, the Hartford district, the Los Angeles district, the New York district, the Philadelphia district, the Pittsburgh district, the San Francisco district, the Schenectady district, and the Seattle district. Each inspection district has, under the inspector of naval material, an organization charged with the responsibility of enforcing the contract specification requirements.

The district security force and the inspectors of naval materials are prepared to advise the management of industrial plants in connection with the development of a security program.

INTRODUCTION

The Navy Department is one of the largest procurement agencies of the Government because of the magnitude and diversity of its material requirements. It is difficult to imagine anything within the range of material existence which the Navy may not be required to purchase. Practically every human demand which would arise from a city of approximately 500,000 people will be required to supply the Navy personnel when it is expanded to its authorized strength. In addition to these demands there are technical and professional requirements such as ships, aircraft, guns, ammunition, machinery, and instruments of precision. To these needs must be added those which arise from several large shipbuilding and manufacturing establishments which the Navy maintains.

This demand for a variety of materials and supplies extends the Navy's interest to many thousands of industrial concerns within the continental limits of the United States.

The continued operation and uninterrupted flow of supplies from these plants is vital to the war effort of the Navy and a manufacturing concern producing material for the Navy is in a large measure as much a part of the fleet as one of our ships on patrol.

As outlined hereinafter, the keynote to the development of both internal security and passive defense is organization. It will be realized that collateral benefits in increased operational efficiency can be derived from a well-developed security program.

CHAPTER I

General Information Regarding Security

The term "security" is a broad term frequently loosely used. In developing a security program, the management should consider security in the following categories: Internal security and passive defense.

Internal security may be defined as those measures taken to safeguard commercial plants from interruption of production by any incident other than an open enemy attack. These interruptions may be accomplished by fire, damage to material, and injury of personnel caused not only by sabotage but also by inherent industrial hazards, or they may be accomplished by the disclosure of information vital to the war effort either unknowingly by plant personnel or by espionage.

Passive defense may be defined as those security measures which seek to limit the effect of hostile action, particularly aerial bombardment, on continued production in commercial plants.

While both terms have a connotation of defensive action, nonetheless they are in reality a form of offensive action against the enemy.

We must have ships and planes and the products of many manufacturing establishments. The flow of materials from these companies is an essential part of our war effort. Logically, the enemy will attack us anywhere whether it be our armed forces, a battleship, a merchant ship carrying supplies, or a manufacturing company producing the supplies.

In thinking of a battleship our first thought is of guns and offense. In thinking of a manufacturing plant we incorrectly consider security as a defensive term.

It is not sufficient in developing internal security to surround a manufacturing plant with mechanical barriers and wonder at what point a hostile agent will attack.

Similarly, the passive defense program must be progressively developed so that the results of a sporadic air raid on our war efforts will be minimized to the extent that future raids would be unprofitable.

Management of commercial firms should realize that the development of both internal security and passive defense requires a detailed knowledge of the administrative and operational organization and therefore must be under the direct control and supervision of an executive with a broad knowledge of the company's operations, maintenance, and administrative procedures.

CHAPTER II

Considerations for Developing Internal Security

The development of internal security requires that the management of the company, with the aid of every employee, to actively and aggressively seek to prevent damage to the plant or the work in progress.

A condition of continual alertness throughout the plant is a prerequisite of internal security as enemy action against a plant usually is by undercover method. The more aggressive the development of internal security the more difficult the attack by undercover method.

While the actual measures for developing the internal security of any organization will depend in the final analysis upon the type of material the plant is manufacturing, the size of the company, its location, and certain other factors, there are certain general minimum requirements with which a company must be acquainted in order to progressively develop its security.

It is essential, of course, in developing the internal security of a plant that the management pay particular heed to the normal hazards which exist in peacetime. Such hazards as fire and accident are in a certain measure accentuated under present conditions, due to the desire for increased production and the number of new and not completely trained employees necessary to carry out our war effort.

Listed hereafter are some minimum general security measures which the management should consider in developing the internal security of their plant.

1. An employment application form should be adopted which will develop the following information:

(1) Full name.
(2) By whom introduced.
(3) Present address. Last previous address.
(4) Height, weight, identifying scars.
(5) Length of time in State; length of time in city.
(6) Place of birth: city, State, country.
(7) Date of birth: day, month, year.
(8) Parents' birthplaces; also husband's or wife's birthplace.
(9) Married, single, divorced, widowed, separated.
(10) Married women employees should give their maiden name, husband's name, birthplace, occupation, place of employment.

(11) Aliens or naturalized citizens should state:

(*a*) Name used in entering the United States.
(*b*) The date of entry.
(*c*) Place of entry.
(*d*) Name of ship.
(*e*) Date of first papers.
(*f*) Date of second papers.
(*g*) Date of citizenship papers.
(*h*) Place obtained, city and court.
(*i*) Alien registration number.
(*j*) Naturalization number.

Naturalization papers should be presented. In the case of citizens, a birth certificate should be presented.

(12) Educational record: Listing elementary schools, secondary school, college or university, correspondence or other courses; under each giving the name and address, the courses followed, and the date of leaving.

(13) Military record, in both service of the United States and of foreign governments, giving the period in service, type of discharge, place of discharge, service number, and the name of the last commanding officer. If still a member of a military organization, give the name and present rank.

(14) A list of all organizations to which employee belongs, including trade, professional, social, and fraternal, giving the names and addresses of such organizations.

(15) The history of previous employment, giving the name of the company, location, duties, employer's name, reason for leaving. Included should be any civil service, also reason for lapse where a period of termination of one place of employment does not fit into the next place of employment.

(16) A statement of activities from 1914 to 1918.

(17) The names, ages, places of birth, and relationship of all members of the employee's immediate family and dependents.

(18) The names, relationship, place employed, type of work of all relatives in the employment of the United States Government, or any foreign government.

(19) The names, addresses, relationship, and duties of all relatives, including those of the wife or husband, presently residing in a foreign country.

(20) A record of all arrests and jail sentences, including the place, the charge, and the penalty.

(21) A statement as to whether or not ever fingerprinted. If so, when, where, why.

(22) A statement as to whether or not ever bonded. If so, when, and by whom, and whether or not a bond was ever refused.

(23) Service in a foreign government, giving the name of the country, time of service, duties and the reason for termination.

(24) The time spent outside of the United States during the last 15 years, giving the country, the date in, the date out, the passport number, and where issued.

(25) References: Three names, not including former employers, relatives, or employees of the present company.

(26) A statement that the applicant or employee certifies that the foregoing answers are correct to the best of his knowledge and belief and that he authorizes the company to investigate any of the information, with a further statement that any misrepresentation of facts may be cause for dismissal. This application should be signed and witnessed.

(27) Social Security number: This information should not be considered all-inclusive but should be expanded to meet the particular needs of the company. In addition it is recommended the present employees be required to complete the new application form.

2. An investigation should be made of each applicant before he is employed. In addition to conducting a neighborhood inquiry of the applicant's general character and reputation the investigation should include the verification of the information given in the application form. The management may find telephone calls or form letters useful in questioning schools, organizations, and former employers.

3. The present employees should also be investigated, and it is recommended the management first investigate those with whom they are not well acquainted and then progress to the older and more trusted employees. Regarding the older employees, it is probable much of the information can be verified by reason of long association and personal knowledge.

4. The failure of any employee to report for work at the beginning of his assigned shift should be promptly reported and an inquiry made without delay to determine the reason for his absence. If the explanation obtained is questionable, a prompt investigation should be made to determine his activities during the absence. All information derived from either the inquiry or investigation should be recorded in the employee's personnel file.

5. A personnel file should be established and maintained for each employee. This file should consist of an individual folder containing the completed application form, the results of the investigation, a record of absences and the reasons therefor, periodic reports concerning the employee's loyalty and efficiency, and any other information deemed pertinent by the management.

6. A single official should be responsible for the inauguration of the personnel program; this responsibility may either be exercised directly or through a personnel manager.

7. All present and future employees, including official personnel, should be fingerprinted. The management can obtain cards for this purpose from the nearest office of the Federal Bureau of Investigation.

8. Copies of the Federal Espionage and Sabotage Statutes either should be posted throughout the plant, or preferably, prepared in pamphlet form for individual distribution. Each employee should be required to sign a statement to the effect he understands the provisions of these statutes.

9. Rules and regulations governing conduct on the premises, including instructions in the event of fire or other emergency, should be distributed to each employee. These rules, regulations, and instructions may be incorporated in the pamphlet recommended for the distribution of the Federal Espionage and Sabotage Statutes.

10. Every employee should be thoroughly instilled with the idea that he is a part of our war effort and that the country is dependent upon him for the prevention of any occurrence which might disrupt production activity.

The above items are the basic concept of any security program and until they are thoroughly developed any of the material provisions listed below will not be fully effective.

11. Vital plant areas should be designated "Restricted" and separated, if practicable, by fences or screening. Only authorized persons should be allowed to enter these areas and entrances when unattended should be kept locked.

12. A trusted employee should be assigned as mail clerk and a separate room or space well removed from any vital area should be provided for his use. This room or space should be classified "Restricted" and only authorized persons should be granted admittance. All mail should be transported to and from the post office in sealed and locked pouches. Incoming mail should be carefully examined and particular attention paid to packages. "Classified" mail should not be opened but should be delivered personally by the mail clerk to the addressee. Outgoing mail, with the exception of classified mail, should be delivered unsealed to the mail clerk for inspection, sealing, and stamping. Classified mail should be delivered to the mail clerk after it has been sealed by the originator.

13. All classified material such as plans, blueprints, or letters should be kept in a fireproof and burglarproof vault, safe, or cabinet. A trusted employee should be in charge and should be furnished with a list of the names and signatures of persons authorized to withdraw

such material. A permanent record should be kept of each item issued showing the date and time of issue, the signature of the receiver, and the time of return. Each item should be returned as soon as it has served its purpose, and in no event should any item be allowed to remain out past the shift in which it was issued.

14. A nonclimbable type of fence topped with several strands of barbed wire should be erected either on the plant boundaries or to enclose the productive areas of the plant. The fence should contain the minimum number of gates considered necessary for efficient operation of the plant, and these gates should be of the nonclimbable type. There should not be excessive clearances between the fence and gates and the ground.

15. To guard against unlawful entry, windows and glass panel doors in the basement and first floor of building walls forming a part of the plant boundary should be protected by strong wire screening. To guard against missiles thrown from outside the premises it is further recommended that all vulnerable or accessible openings, including skylights, in buildings located on or near the boundary line be similarly protected.

16. Gates and doors serving as a means of entry to the plant should be kept locked at all times when not attended by a guard. However, any gate or door used as a fire exit should be locked in a manner conforming with State and local regulations. The keys should be kept in a locked cabinet under supervision of a responsible employee, preferably a member of the guard force; keys should be issued only to individuals whose duties require their possession and turned in at the termination of each shift.

17. It is recommended floodlights be installed within the fenced area to illuminate the plant boundaries, the yard, and the areas immediately adjacent the buildings.

18. It is recommended a guard force be established and maintained under the direct supervision of the official responsible for plant protection. The force should be of sufficient size to perform the following duties: Maintain a constant watch at all open entrances to the premises; escort visitors as required; supervise loading and unloading of materials; protect all restricted areas; and in addition, particularly during nights, Sundays, and holidays, patrol under frequently varied routes and schedules all fence lines, interiors of buildings, and yard areas.

Personnel for the guard force should be selected with extreme care and only persons who are physically, mentally, and morally qualified should be so assigned. Each guard should be issued equipment necessary for the proper performance of his duties; however, no guard should be issued equipment he is not competent to use.

19. Each official and employee of the plant should be issued a tamperproof, photographic type of identification badge which should be worn in a uniform place on the outer clothing at all times while on the premises. The background of the badge should be colored in accordance with a system designed to restrict employees to the department in which they are employed or to indicate authority to enter certain sections of the plant. A record should be kept of all badges issued and it might be well to take disciplinary action in the event a badge is lost. An employee reporting for work without his badge should, upon satisfactory evidence of employment, be issued a temporary badge until such time as he recovers his badge or another permanent badge is issued. Guards should be furnished with up-to-date lists of all lost badges.

20. It is recommended a permanent visitor's register be established and maintained which will include the following information: Date and time of entrance, full name, company represented and address, reason for entering the plant, name of person to be interviewed, and time of departure. Each visitor should be required to wear a visitor's badge and he should be accompanied by a guard or responsible employee while he is on the premises. It is recommended the number of visitors be restricted to the absolute minimum required to conduct the business of the company.

21. Persons who frequently visit the plant, such as utility repairmen, vendors, and contractors' employees to whom it is wished to afford special visiting privileges, should be required to submit information similar to that asked for in paragraph one; in addition, they should undergo an investigation at least as thorough as that given the plant employees. Badges issued to these "special visitors" should be different in design from those furnished to employees and regularly escorted visitors.

22. All trucks should be inspected before being allowed to enter the plant. A permanent truck register should be established and maintained and it should show the following information: Date and time of entrance, license number and name of owner, signatures of the driver and helper, a brief description of the materials carried, and the time of departure. Temporary badges should be issued drivers and helpers, and these badges should clearly indicate the status of the wearers. If trucks enter vital areas of the plant it is recommended a guard accompany them.

23. Railroad cars should be inspected before being admitted to the premises; in the case of sealed cars, an inspection of the shipment should be made if it appears that the seal has been tampered with. The train crews should be under the surveillance of a guard or other responsible employee at all times while on the premises.

24. Cameras should not be allowed on the premises with the exception of those used in taking official photographs.

25. A frequent spot check should be made of the contents of employees' lunch boxes. All other personal packages being brought in or out of the plant should be inspected by a foreman or a member of the guard force. The release of outgoing packages can be expedited by having the employee's foreman issue him a pass after examining the package. The package should then be sent by messenger to the plant entrance and released to the employee upon surrender of the pass.

26. Employees and visitors should not be permitted to park their automobiles within the plant enclosure. If it is found impracticable for all cars to be parked outside of the premises the parking areas within the plant should be located away from buildings and separately fenced in such a manner that occupants of automobiles will have to pass through a pedestrian gate before entering the plant.

27. It is recommended that an adequate number of hand fire-fighting appliances be distributed throughout the buildings and yard; these appliances should be of types suitable for the hazard which may exist, namely: Fires originating in (*a*) ordinary combustible materials, (*b*) flammable liquids and greases, and (*c*) electrical equipment. The location of all fire extinguishers should be conspicuously marked by signs and the areas adjacent to the equipment kept free from obstructions. Where subject to freezing temperatures, the extinguishers should either be properly protected or should be of a type suitable for such service.

28. Frequent periodic inspections of fire-fighting appliances should be made to insure they are in serviceable condition. Attention is invited that sabotage by fire is ever present and the possibilities of damaged valves, inflammable liquids in fire extinguishers, cut hoses, or other damage to prevent fire apparatus from being effective must be considered.

29. It is recommended that a fire brigade be organized. In selecting the members of the brigade, it is desirable to include employees from all departments and shifts, and to designate several employees who are familiar with the plant's water, gas, and electrical service lines. The members of the fire brigade should be assigned definite duties, including fire prevention inspections, and should be instructed and drilled in the proper use of available fire extinguishing equipment.

30. It is recommended that the management request the utility companies supplying the plant with electricity, water, and gas to determine their ability to restore service following a breakdown with the minimum interruption to production. In the case of electric power, the need of duplicate lines and spare transformers should be con-

sidered; storage facilities, loop mains, and strategically located valves should be considered in the case of water and gas lines.

31. The Federal Bureau of Investigation's manual, Suggestions for Protection of Industrial Facilities, is recommended as a general guide for the management in protecting their premises. It is believed that reference to this publication will aid the company in solving protection problems which may arise from time to time.

32. If at any time the suspicions of the management are aroused in regard to the possibility of espionage, sabotage, or interruption to work in progress, they should communicate at once with the nearest office of the Federal Bureau of Investigation, the commandant of the naval district, or his nearest representative.

33. It is recommended the management make frequent well considered appeals to the loyalty and patriotism of their employees to be constantly alert to the possibility of sabotage and espionage and to fully cooperate in complying with the security measures the management has taken to protect their plant and the work in progress for the Navy.

CHAPTER III

Considerations for Developing Passive Defense

As defined in chapter I, passive defense embraces those security measures which seek to limit the effect of hostile action.

As with internal security, the degree of development of passive defense measures will be influenced by variable factors, and in no way can a pamphlet which is to receive country-wide distribution endeavor to outline the degree to which passive defense measures should be developed.

It is necessary, however, that there be a progressive development of the measures of passive defense because of the novelty of its application and the general unfamiliarity with details of the measures to be undertaken. Study, evaluation, and organizational plans on a rational basis will insure the progressive development of these measures with a minimum disruption to productive activity and with minimum immediate demands for material equipment.

The Office of Civilian Defense is currently conducting schools on the subject of passive defense. Such schools are a valuable source of information.

The progress made in developing the following minimum passive defense measures will influence the success of the total passive defense program which a company may be required to meet because of the war risk in the area in which the plant is located:

1. The appointment of an executive to be in charge of the passive defense program, with assistants as necessary. Where practicable, he should be the same executive in charge of the internal security development of the company.

2. A complete review of all internal-security measures, with special emphasis upon the organization and equipment for fire fighting, fire prevention, and group instructions and drill for procedures in the event of a fire.

3. The executive should form immediate liaison with the nearest representative for civilian defense to secure information as to the air-raid warning system for the area, and for information regarding local regulations and ordinances pertaining to air-raid precautions in general.

4. Obtain from the local civilian defense office and the regional office for the Office of Civilian Defense, and other sources, all literature on the subject of passive defense for review, evaluation, and study.

5. Review and study and consider the existing organization, plant buildings, operations, and administration of the company in the light of the full development of passive defense measures that may be required.

6. Develop a plan for organizing the personnel of the plant or company based upon the existing organization of the activity. This plan will necessarily encompass the organization and management control necessary for (1) calm, orderly action, and procedure in the event of an air raid or other emergency that might cause damage to material or personnel; (2) the plans for organizing passive defense groups such as air-raid wardens, fire watchers, auxiliary firemen, auxiliary guards, first-aid groups, repair parties, messengers, and other special organizations outlines.

7. The plan should be checked by local civilian defense authorities, when possible, for advice and assistance.

Further progressive development will, obviously, be influenced in a large measure by location but will include all or a portion of the following in somewhat the order outlined:

8. A study of plant operations and electrical installations to permit immediate black-out when so ordered by the proper military authority. Such black-outs should be based upon cessation of all operations except those necessary for control or safety to personnel or vital equipment. It should be noted that the proper authority for ordering a black-out in the event of an actual air raid is the appropriate Army Interceptor Command. This does not preclude your holding a number of drills to familiarize and train your organization in procedures necessary to effect the black-out. In some instances you may be called upon to participate in drills with the local civilian defense organization. However, after your company is equipped and trained to black-out in cooperation with the local civil defense unit, you are not required to participate in community drills, and requests for such participation should be referred to the district commandant.

9. The assignment on all shifts of individuals to the passive defense groups and the careful selection of leaders for each group.

10. Indoctrination, instruction, and training of the groups.

11. Drills of the groups individually and together to insure proficiency and proper coordination in the event of an emergency. Drills and exercises should be planned to allow for the minimum of disruption to productive effort.

12. The executive should continue his study, giving consideration to preparing estimates of material requirements which may be needed. (No purchases should be made unless advised to do so by competent local authority.)

APPENDIX A

Contract Provisions Relating to Disclosure of Information, Employment of Aliens, and Reports by Contractors

PROVISIONS TO BE INCLUDED IN ALL CLASSIFIED CONTRACTS

I. *Disclosure of information.*

(*a*) It is understood that the work contracted for hereunder relates to and is connected with the national defense (the prosecution of the war effort), and it is agreed: (1) that no information relating to the work under this contract shall be communicated, transmitted, or disclosed to any person not entitled to receive it; and (2) that the contractor shall be responsible for safeguarding matters within the contractor's control identified by the Navy Department as Secret, Confidential, or Restricted.

(*b*) Information contained in the plans and specifications may be disclosed to the officers, agents, or employees of the contractor to the extent that such disclosure is essential to the performance of this contract, subject to any restrictions which may be imposed by the contracting officer or the naval inspector charged with the duty of inspecting the work or materials covered by this contract. Information contained in the plans and specifications may be disclosed to officers, agents, or employees of corporations, partnerships, or persons undertaking the performance of subcontracts, or purchase orders made or placed under this contract only if the contracting officer or the naval inspector charged with the duty of inspecting the work or materials covered by this contract shall consent to such disclosure.

(*c*) It is further understood that disclosure of information relating to the work contracted for hereunder to any person not entitled to receive it, or failure to safeguard all matters within the contractor's control identified by the Navy Department as Secret, Confidential, or Restricted, may subject the contractor, his or its agents, employees, and subcontractors, to criminal liability under the laws of the United States, including title I of an act approved June 15, 1917 (Public, No. 24, 65th Cong., 40 Stat. 217), as amended by an act approved March 28, 1940 (Public, No. 443, 76th Cong., 54 Stat. 79) (50 U. S. Code (1940 ed.) Chap. 4), and the provisions of an act approved January 12, 1938 (Public, No. 418, 75th Cong., 52 Stat. 3; 50 U. S. Code (1940 ed.) 45–45d), as supplemented by Executive Order No. 8381, dated March 22, 1940.

II. *Alien employees of contractor and subcontractors.*

(*a*) This contract is identified by the Navy Department as a ---------- (insert: Restricted, Confidential, or Secret, whichever is appropriate) Government contract within the meaning of section 11 of 54 Stat. 676 (Public, No. 671, 76th Cong.), and it is agreed that no aliens in the employ of the contractor shall be permitted to have access to the plans or specifications or the work under contract or to participate in the contract trials unless the written consent of the Secretary of the Navy has first been obtained.

(*b*) In each subcontract or purchase order which the contractor may make or place under this contract there shall be included a stipulation that no aliens in the employ of the corporation, partnership, or other person undertaking the performance of the subcontract or purchase order shall be permitted to have access to the plans or specifications, or the work under the contract, or to participate in the contract trials, unless the written consent of the Secretary of the Navy has first been obtained: *Provided*, That such stipulation need not be included in any subcontract or purchase order for standard or commercial products procured under specifications which will not disclose the nature or character of the subject matter of this contract or any other information relative thereto which has been identified by the Navy Department as Secret, Confidential, or Restricted; *Provided further*, That such stipulation need not be included in a subcontract or purchase order if the contracting officer or the naval inspector charged with the duty of inspecting the work or materials covered by this contract shall consent to the omission of such stipulation from such subcontract or purchase order or to the inclusion of a different stipulation therein.

PROVISIONS TO BE INCLUDED IN ANY CONTRACT WHERE IT IS CONSIDERED NECESSARY FOR THE PROTECTION OF GOVERNMENT INTERESTS

III. *Reports of espionage, sabotage, or subversive activities.*

(*a*) The contractor agrees that it will immediately submit a confidential report to the Navy Department or its duly authorized representatives, with copies to such other Government agencies as the Navy Department or its duly authorized representatives may designate, whenever it has information indicating (1) that any of its employees may be engaged in subversive activity at any place, or (2) that an active danger of espionage or sabotage exists at any plant, factory, or site at which work under this contract is being performed or at which material acquired, fabricated, or manufactured in connection with the performance of this contract is stored. The report shall contain a complete statement of such information. The

contractor agrees that it will instruct its personnel to submit any information coming to their attention with respect to the foregoing.

(*b*) The contractor agrees that it will, whenever directed by duly authorized representatives of the Navy Department, submit any and all information which the contractor may have concerning any of its employees engaged in work at any plant, factory, or site at which work under this contract is being performed.

(*c*) The contractor agrees that it will refuse to employ, or if already employing will forthwith discharge from employment, and will exclude from any plant, factory, or site at which work under this contract is being performed, any person or persons whom the Secretary of the Navy or his duly authorized representatives, in the interest of security against espionage, sabotage, or subversive activity may designate.

(*d*) In each subcontract or purchase order which the contractor may make or place under this contract, the contractor shall include stipulations which shall conform substantially to the language of the preceding paragraphs of this article: *Provided*, That such stipulations need not be in any subcontract or purchase order for standard or commercial products procured under specifications which will not disclose the nature or character of the subject matter of this contract: *Provided further*, That such stipulations need not be included in a subcontract or purchase order if the contracting officer or the naval inspector charged with the duty of inspecting the work or materials covered by this contract shall consent to the omission of such stipulations or to the inclusion of different stipulations therein.

PROVISION FOR CONTRACTS OTHER THAN CLASSIFIED RELATING TO FURNISHING OR CONSTRUCTING AIRCRAFT OR AIRCRAFT PARTS OR AERONAUTICAL ACCESSORIES

IV. *Alien employees of contractor.*

It is understood that the contract is subject to the provisions of section 10 (j) of the Aircraft Procurement Act approved July 2, 1926 (44 Stat. 787; 10 U. S. C. 310 (j)), and it is agreed that no aliens in the employ of the contractor shall be permitted to have access to the plans and specifications of the work under construction or to participate in the contract trials unless the written consent of the Secretary of the Navy has first been obtained.

APPENDIX B

Appendix B contains statutory provisions and Executive orders relating to espionage, sabotage, and aliens, included for the convenience of the contractor.

Espionage

Title I of an act approved June 15, 1917 (Public, No. 24, 65th Cong., 40 Stat. 217; 50 U. S. C. 31–42), as amended by an act approved March 28, 1940 (Public, No. 443, 76th Cong., 54 Stat., chap. 72).

SECTION 1. That (*a*) whoever, for the purpose of obtaining information respecting the national defense with intent or reason to believe that the information to be obtained is to be used to the injury of the United States, or to the advantage of any foreign nation, goes upon, enters, flies over, or otherwise obtains information concerning any vessel, aircraft, work of defense, navy yard, naval station, submarine base, coaling station, fort, battery, torpedo station, dockyard, canal, railroad, arsenal, camp, factory, mine; telegraph, telephone, wireless, or signal station; building, office, or other place connected with the national defense, owned or constructed, or in progress of construction by the United States or under the control of the United States, or any of its officers or agents, or within the exclusive jurisdiction of the United States, or any place in which any vessel, aircraft, arms, munitions, or other materials or instruments for use in time of war are being made, prepared, repaired, or stored, under any contract or agreement with the United States, or with any person on behalf of the United States, or otherwise on behalf of the United States, or any prohibited place within the meaning of section 6 of this title; or (*b*) whoever for the purpose aforesaid and with like intent or reason to believe copies, takes, makes, or obtains, or attempts, or induces or aids another to copy, take, make, or obtain, any sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, document. writing, or note or anything connected with the national defense; or (*c*) whoever, for the purpose aforesaid receives or obtains or agrees or attempts or induces or aids another to receive or obtain from any person, or from any source whatever, any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, or note, of anything connected with the national defense, knowing or having reason to believe, at the time he receives or obtains, or agrees or attempts or induces or aids another to receive or obtain it, that it has been or will be obtained, taken, made or disposed of by any person contrary to the provisions of this title; or (*d*) whoever lawfully or unlawfully having possession of, access to, control over, or being intrusted with any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, or note relating to the national defense, willfully communicates or transmits or attempts to communicate or transmit the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it; or (*e*) whoever, being intrusted with or having lawful possession or control of any document, writing, code book, signal book, sketch, photograph, photographic

negative, blueprint, plan, map, model, note, or information relating to the national defense, through gross negligence permits the same to be removed from its proper place of custody or delivered to anyone in violation of his trust, or to be lost, stolen, abstracted, or destroyed, shall be punished by imprisonment for not more than 10 years and may, in the discretion of the court, be fined not more than $10,000.

SEC. 2. (*a*) Whoever, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, communicates, delivers, or transmits, or attempts to, or aids or induces another to communicate, deliver, or transmit to any foreign government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, or to any representative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly, any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, note, instrument, appliance or information relating to the national defense shall be punished by imprisonment for not more than 20 years: *Provided*, That whoever shall violate the provisions of subsection (*a*) of this section in time of war shall be punished by death or by imprisonment for not more than 30 years; and (*b*) whoever, in time of war, with intent that the same shall be communicated to the enemy, shall collect, record, publish, or communicate, or attempt to elicit any information with respect to the movement, numbers, description, condition, or disposition of any of the armed forces, ships, aircraft, or war materials of the United States, or with respect to the plans or conduct, or supposed plans or conduct of any naval or military operations, or with respect to any works or measures undertaken for or connected with, or intended for the fortification or defense of any place, or any other information relating to the public defense, which might be useful to the enemy, shall be punished by death or by imprisonment for not more than 30 years.

SEC. 3. Whoever, when the United States is at war, shall willfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States or to promote the success of its enemies and whoever, when the United States is at war, shall willfully cause or attempt to cause insubordination, disloyalty, mutiny, or refusal of duty in the military or naval forces of the United States, or shall willfully obstruct the recruiting or enlistment service of the United States to the injury of the service or of the United States, shall be punished by a fine of not more than $10,000 or imprisonment for not more than 20 years, or both.

SEC. 4. If two or more persons conspire to violate the provisions of sections 2 or 3 of this title, and one or more of such persons does any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as in said sections provided in the case of the doing of the act the accomplishment of which is the object of such conspiracy. Except as above provided conspiracies to commit offenses under this title shall be punished as provided by section 37 of the Act to Codify, Revise, and Amend the Penal Laws of the United States approved March 4, 1909.

SEC. 5. Whoever harbors or conceals any person who he knows or has reasonable grounds to believe or suspect, has committed, or is about to commit, an offense under this title shall be punished by imprisonment for not more than 10 years and may, in the discretion of the court, be fined not more than $10,000.

SEC. 6. The President, in time of war or in case of national emergency, may, by proclamation designate any place other than those set forth in subsection (*a*) of section 1 hereof in which anything for the use of the Army or Navy is being prepared or constructed or stored as a prohibited place for the purposes of this title: *Provided*, That he shall determine that information with respect thereto would be prejudicial to the national defense.

SEC. 7. Nothing contained in this title shall be deemed to limit the jurisdiction of the general courts-martial, military commissions, or naval courts-martial under sections 1342, 1343, and 1624 of the Revised Statutes as amended.

SEC. 8. The provisions of this title shall extend to all Territories, possessions, and places subject to the jurisdiction of the United States whether or not contiguous thereto, and offenses under this title when committed upon the high seas or elsewhere within the admiralty and maritime jurisdiction of the United States and outside the territorial limits thereof shall be punishable hereunder.

SEC. 9. The act entitled "An Act to Prevent the Disclosure of National Defense Secrets," approved March 3, 1911, is hereby repealed.

"An Act to prohibit the making of photographs, sketches, or maps of vital military and naval defensive installations and equipment, and for other purposes," (Public, No. 418, 75th Cong., 52 Stat. 3; 50 U. S. C. 45–45d), approved January 12, 1938.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, whenever in the interests of national defense, the President shall define certain vital military and naval installations or equipment as requiring protection against the general dissemination of information relative thereto, it shall be unlawful to make any photograph, sketch, picture, drawing, map, or graphical representation of such vital military and naval installations or equipment without first obtaining permission of the commanding officer of the military or naval post, camp, or station concerned, or higher authority, and promptly submitting the product obtained to such commanding officer or higher authority for censorship or such other action as he may deem necessary. Any person found guilty of a violation of this section shall upon conviction be punished by a fine of not more than $1,000 or by imprisonment for not more than 1 year, or by both such fine and imprisonment.

SEC. 2. Any person who uses or permits or procures the use of an aircraft for the purpose of making a photograph, sketch, picture, drawing, map, or graphical representation of vital military or naval installations or equipment, in violation of the preceding section, shall be liable to the penalty therein provided.

SEC. 3. On and after 30 days from the date upon which the President defines any vital military or naval installation or equipment as being within the category contemplated under the first section of this Act, it shall be unlawful for any person to reproduce, publish, sell, or give away any photograph, sketch, picture, drawing, map, or graphical representation of the vital military or naval installations or equipment so defined, without first obtaining permission of the commanding officer of the military or naval post, camp, or station concerned, or higher authority, unless such photograph, sketch, picture, drawing, map, or graphical representation has clearly indicated thereon that it has been censored by the proper military or naval authority. Any person found guilty of a violation of this section shall upon conviction be punished as provided in the first section of this Act.

SEC. 4. The term "aircraft" as used in this Act means any contrivance known or hereafter invented, used, or designed for navigation or flight in the air. The expression "post, camp, or station" as used in this Act shall be interpreted to include naval vessels, military and naval aircraft, and any separate military or naval command.

SEC. 5. The provisions of this Act shall extend to all Territories, possessions, and places subject to the jurisdiction of the United States, whether contiguous thereto or not and offenses under this Act when committed upon or over the high seas or elsewhere within the admiralty and maritime jurisdiction of the United States and outside the territorial limits thereof shall be punishable hereunder.

Executive Order

DEFINING CERTAIN VITAL MILITARY AND NAVAL INSTALLATIONS AND EQUIPMENT

Whereas section 1 of the act of January 12, 1938, 52 Stat. 3, provides:

That, whenever in the interests of national defense the President shall define certain vital military and naval installations or equipment as requiring protection against the general dissemination of information relative thereto, it shall be unlawful to make any photograph, sketch, picture, drawing, map, or graphical representation of such vital military and naval installations or equipment without first obtaining permission of the commanding officer of the military or naval post, camp, or station concerned, or higher authority, and promptly submitting the product obtained to such commanding officer or higher authority for censorship or such other action as he may deem necessary. Any person found guilty of a violation of this section shall upon conviction be punished by a fine of not more than $1,000 or by imprisonment for not more than 1 year, or by both such fine and imprisonment.

Now, therefore, by virtue of the authority vested in me by the foregoing statutory provisions, and in effectuation of the purposes of the said act of January 12, 1938, I hereby define the following as vital military and naval installations or equipment requiring protection against the general dissemination of information relative thereto:

1. All military or naval installations and equipment which are now classified, designated, and marked under the authority or at the direction of the Secretary of War or the Secretary of the Navy as "Secret," "Confidential," or "Restricted," and all military or naval installations and equipment which may hereafter be so classified, designated, and marked with the approval or at the direction of the President, and located within:

(*a*) Any military or naval reservation, post, arsenal, proving ground, range, mine field, camp, fort, yard, station, district, or area.

(*b*) Any defensive sea area heretofore or hereafter established and existing under authority of section 44 of the United States Criminal Code, as amended by the act of March 4, 1917 (38 Stat. 1194, U. S. C., title 18, sec. 96).

(*c*) Any airspace reservation heretofore or hereafter established and existing under authority of section 4 of the Air Commerce Act of 1926 (44 Stat. 570, U. S. C., title 49, sec. 174).

(*d*) Any naval harbor closed to foreign vessels.

(*e*) Any area required for fleet purposes.

(*f*) Any commercial establishment engaged in the development or manufacture of military or naval arms, munitions, equipment, designs, ships, or vessels for the United States Army or Navy.

2. All military or naval aircraft, weapons, ammunition, vehicles, ships, vessels, instruments, engines, manufacturing machinery, tools, devices, or any other equipment whatsoever, in the possession of the Army or Navy, or in the course of experimentation, development, manufacture, or delivery for the Army or Navy, which are now classified, designated, and marked under the authority or at the direction of the Secretary of War or the Secretary of the Navy as "Secret," "Confidential," or "Restricted," and all such articles, materials, or equipment which may hereafter be so classified, designated, and marked wtih the approval or at the direction of the President.

3. All official military or naval books, pamphlets, documents, reports, maps, charts, plans, designs, models, drawings, photographs, contracts, or specifications, which are now marked under the authority or at the direction of the Secretary of War or the Secretary of the Navy as "Secret," "Confidential," or "Restricted," and all such articles or equipment which may hereafter be so marked with the approval or at the direction of the President.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 22, 1940.

[No. 8381]

SABOTAGE

An Act approved April 20, 1918 (Public, No. 135, 65th Cong., 40 Stat. 533; 50 U. S. Code, secs. 101–103), as amended by an Act approved November 30, 1940 (Public, No. 886, 76th Cong.) and by an Act approved August 21, 1941 (Public Law 234, 77th Cong.).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the words "war material," as used herein, shall include arms, armament, ammunition, livestock, stores of clothing, food, foodstuffs, or fuel; and shall also include supplies, munitions, and all other articles of whatever description, and any part or ingredient thereof, intended for, adapted to, or suitable for the use of the United States, or any associate nation, in connection with the conduct of war.

The words "war premises," as used herein, shall include all buildings, grounds, mines, or other places wherein such war material is being produced, manufactured, repaired, stored, mined, extracted, distributed, loaded, unloaded, or transported, together with all machinery and appliances therein contained; and all forts, arsenals, navy yards, camps, prisons, or other military or naval stations of the United States, or any associate nation.

The words "war utilities," as used herein, shall include all railroads, railways, electric lines, roads of whatever description, railroad or railway fixture, canal, lock, dam, wharf, pier, dock, bridge, building, structure, engine, machine mechanical contrivance, car vehicle, boat, or aircraft, or any other means of transportation whatsoever, whereon or whereby such war material or any troops of the United States, or of any associate nation, are being or may be transported either within the limits of the United States or upon the high seas; and all dams, reservoirs, aqueducts, water and gas mains and pipes, structures and buildings, whereby or in connection with which water or gas is being furnished, or may

be furnished, to any war premises or to the military or naval forces of the United States, or any associate nation, and all electric light and power, steam or pneumatic power, telephone and telegraph plants, poles, wires, and fixtures and wireless stations, and the buildings connected with the maintenance and operation thereof used to supply water, lights, heat, power, or facilities of communication to any war premises or to the military or naval forces of the United States, or any associate nation.

The words "United States" used in this act in a geographical sense shall include the Philippine Islands, Panama Canal Zone, and all other territory and waters, continental and insular, subject to the jurisdiction of the United States as thus defined.

The words "associate nation," as used in this act, shall be deemed to mean any nation at war with any nation with which the United States is at war.

SEC. 2. That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully injure or destroy, or shall attempt to so injure or destroy, any war material, war premises, or war utilities, as herein defined, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than 30 years, or both.

SEC. 3. That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully make or cause to be made in a defective manner, or attempt to make or cause to be made in a defective manner, any war material, as herein defined, or any tool, implement, machine, utensil, or receptacle used or employed in making, producing, manufacturing, or repairing any such war material, as herein defined, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than 30 years, or both.

SEC. 4. That the words "national defense material," as used herein, shall include arms, armament, ammunition, livestock, stores of clothing, food, foodstuffs, fuel, supplies, munitions, and all other articles of whatever description and any part or ingredient thereof, intended for the use of the United States in connection with the national defense or for use in or in connection with the producing, manufacturing, repairing, storing, mining, extracting, distributing, loading, unloading, or transporting of any of the materials or other articles hereinbefore mentioned or any part or ingredient thereof.

The words "national defense premises," as used herein, shall include all buildings, grounds, mines, or other places wherein such national defense material is being produced, manufactured, repaired, stored, mined, extracted, distributed, loaded, unloaded, or transported, together with all machinery and appliances therein contained; and all forts, arsenals, navy yards, camps, prisons, or other military or naval stations of the United States.

The words "national defense utilities," as used herein, shall include all railroads, railways, electric lines, roads of whatever description, railroad or railway fixture, canal, lock, dam, wharf, pier, dock, bridge, building, structure, engine, machine, mechanical contrivance, car, vehicle, boat, or aircraft, or any other means of transportation whatsoever whereon or whereby such national defense material, or any troops of the United States, are being or may be transported either within the limits of the United States or upon the high seas; and all dams, reservoirs, aqueducts, water and gas mains and

pipes, structures, and buildings, whereby or in connection with which water or gas may be furnished to any national defense premises or to the military or naval forces of the United States, and all electric light and power, steam or pneumatic power, telephone and telegraph plants, poles, wires, and fixtures and wireless stations, and the buildings connected with the maintenance and operation thereof used to supply water, light, heat, power, or facilities of communication to any national defense premises or to the military or naval forces of the United States.

SEC. 5. That whoever, with intent to injure, interfere with, or obstruct the national defense of the United States, shall willfully injure or destroy, or shall attempt to so injure or destroy, any national defense material, national defense premises, or national defense utilities, as herein defined, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than 10 years, or both.

SEC. 6. That whoever, with intent to injure, interfere with, or obstruct the national defense of the United States, shall willfully make or cause to be made in a defective manner or attempt to make or cause to be made in a defective manner, any national defense material, as herein defined, or any tool, implement, machine, utensil, or receptacle used or employed in making, producing, manufacturing, or repairing any such national defense material, as herein defined, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than 10 years, or both.

Executive Order

Authorizing the Secretary of War and the Secretary of the Navy to establish and maintain military guard and patrols, and to take other appropriate measures, to protect certain national defense material, premises, and utilities from injury or destruction.

Whereas the United States is now at war; and

Whereas there exists a serious and immediate potential danger of sabotage to national defense material, national defense premises, and national defense utilities which may menace our maximum productive effort; and

Whereas the Congress of the United States has in recent enactments recognized this danger by enjoining efforts to injure, interfere with, or obstruct the national defense, and providing severe penalties therefor; and

Whereas it is considered necessary in the interests of national defense that, in particular situations where hazardous, dangerous, or other unfavorable conditions may from time to time exist, special precautionary measures be taken by establishing and maintaining military guards and patrols or other appropriate means to protect from injury or destruction national defense material, national defense premises, and national defense utilities:

Now, therefore, by virtue of the authority vested in me as President of the United States, and Commander in Chief of the Army and Navy of the United States, I hereby authorize and direct the Secretary of War, whenever he deems such action to be necessary or desirable, and the Secretary of the Navy, whenever he deems such action to be necessary or desirable, to establish and maintain military guards and patrols, and to take other appropriate measures, to protect from injury or destruction national defense material, national defense premises, and national defense utilities, as defined in the Act of April 20, 1918 (40 Stat. 533), as amended by the Act of November 30, 1940 (54 Stat. 1220), and the Act of August 21, 1941 (55 Stat. 655).

This order shall not be construed as limiting or modifying the duty and responsibility of the Federal Bureau of Investigation, Department of Justice, with respect to the investigation of alleged acts of sabotage.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 12, 1941.

[No. 8972]

Section 35 (C) of the Criminal Code (sec. 82 of title 18, U. S. Code (1940 ed.)):

Whoever shall take and carry away or take for his use, or for the use of another, with intent to steal or purloin, or shall willfully injure or commit any depredation against, any property of the United States, or any branch or department thereof, or any corporation in which the United States of America is a stockholder or any property which has been or is being made, manufactured, or constructed under contract for the War or Navy Departments of the United States, shall be punished as follows: If the value of such property exceeds the sum of $50, by a fine of not more than $10,000 or imprisonment for not more than 10 years, or both; if the value of such property does not exceed the sum of $50, by a fine of not more than $1,000 or by imprisonment in a jail for not more than 1 year, or both. Value, as used in this section, shall mean market value or cost price, either wholesale or retail, whichever shall be the greater (March 4, 1909, ch. 321, sec. 35, 35 Stat. 1095; October 23, 1918, ch. 194, 40 Stat. 1015; June 18, 1934, ch. 587, 48 Stat. 996; April 4, 1938, ch. 69, 52 Stat. 197).

Aliens

Section 10 (j) of the Aircraft Procurement Act approved July 2, 1926 (sec. 10 (j) of Public, No. 446, 69th Cong., 44 Stat. 787; 10 U. S. C. 310 (j)):

Only citizens of the United States, and corporations of which not less than three-fourths of the capital stock is owned by citizens of the United States, and of which the members of the boards of directors are citizens of the United States, and having manufacturing plants located within the continental limits of the United States shall be eligible to be awarded any contract under this section to furnish or construct aircraft, aircraft parts or aeronautical accessories for the United States Government, except that a domestic corporation whose stock shall be listed on a stock exchange shall not be barred by the provisions of this section unless and until foreign ownership or control of a majority of its stock shall be known to the Secretary of War or the Secretary of the Navy, as the case may be, and no aliens employed by a contractor for furnishing or constructing aircraft, or aircraft parts, or aeronautical accessories for the United States shall be permitted to have access to the plans or specifications or the work under construction or to participate in the contract trials without the written consent beforehand of the Secretary of the department concerned.

Section 11 of an act entitled "An Act to Expedite National Defense, and for Other Purposes" (Public, No. 671, 76th Cong.), approved June 28, 1940:

(*a*) No aliens employed by a contractor in the performance of secret, confidential, or restricted Government contracts shall be permitted to have access

to the plans or specifications, or the work under such contracts, or to participate in the contract trials, unless the written consent of the head of the Government department concerned has first been obtained, and any person who willfully violates or through negligence permits the violation of the provisions of this subsection shall be fined not more thn $10,000 or imprisoned not more than 5 years, or both.

(*b*) Any alien who obtains employment on secret, confidential, or restricted Government contracts by willful misrepresentation of his alien status, or who makes such willful misrepresentation while seeking such employment, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both.

(*c*) For the purpose of this section, the term "person" shall be construed to include an individual, partnership, association, corporation, or other business enterprise.

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